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Partners Ltd

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

PRIMARIUS CAPITAL LLC;
PRIMARIUS CHINA FUND LP;
PRIMARIUS FOCUS LP;
PRIMARIUS PARTNERS LP; and
PRIMARIUS OFFSHORE
PARTNERS LTD.

Plaintiffs,

and

JAYHAWK CAPITAL
MANAGEMENT, LLC; JAYHAWK
CHINA FUND (CAYMAN), LTD.;
JAYHAWK INVESTMENTS, LP;
JAYHAWK INSTITUTIONAL
PARTNERS, LP; KENT C.
MCCARTHY,

Defendants.

) Case No. 4:07-cv-01804 (CW)

) **STIPULATION AND ORDER**
) **CONTINUING CASE**
) **MANAGEMENT**
) **CONFERENCE [CORRECTED]**

) **Ctrm: 2, 4th Floor**

RECITALS

WHEREAS, Plaintiffs filed their complaint and demand for jury trial on March 30, 2007, and filed their amended complaint on June 11, 2007.

WHEREAS, on September 27, 2007, Plaintiffs and Defendants agreed to submit their claims and counterclaims to binding arbitration under the auspices of Judicial Arbitration and Mediation Services, Inc. ("JAMS"), and requested that the Court stay this action and take all motions and dates off calendar.

WHEREAS, the parties have commenced arbitration before JAMS, with a hearing scheduled for the weeks of June 15 and 22, 2009.

WHEREAS, the parties have conferred and reached agreement that the Case Management Conference should be continued until after the arbitration hearing is held and the arbitration panel issues an award which, with anticipated post-hearing briefing, will most likely not occur before September 2009.

STIPULATION

Plaintiffs, through their attorneys of record, and Defendants, through their attorneys of record, hereby stipulate that the Case Management Conference should be continued until September 29, 2009.

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1 Dated: 01/30/09

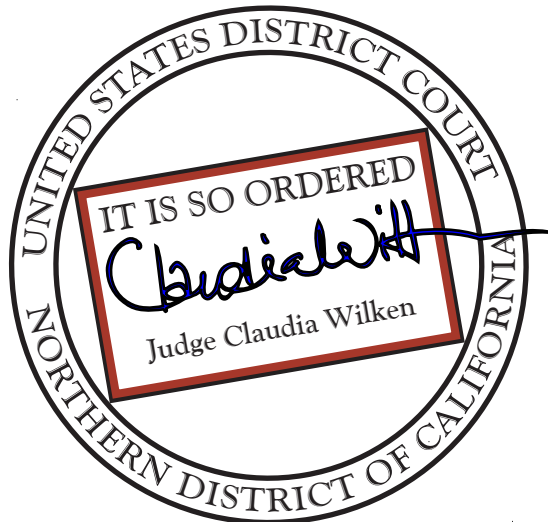
SHOOK, HARDY BACON LLP

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4 By: *Sara S. Tropea* for
5 Sara S. Tropea, Esq.
6 Attorneys for Respondents, Jayhawk
7 Capital Management LLC, Jayhawk
8 China Fund (Cayman), Ltd., and
9 Jayhawk Investments LP, Jayhawk
10 Institutional Partners, LP and Kent
11 McCarthy

12 Dated: 01/30/09

FAGELBAUM & HELLER LLP

13 By: s/s Philip Heller
14 Philip Heller, PLC
15 Attorneys for Claimants, Primarius
16 Capital LLC; Primarius China Fund LP;
17 Primarius Focus LP; Primarius Partners
18 LP and Primarius Offshore Partners
19 Ltd.
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PROOF OF SERVICE

(Case No. C 07-01804 (CW))

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2049 Century Park East, Suite 4250, Los Angeles, California 90067.

On January 30, 2009, served the foregoing document described as **[Corrected] Stipulation and [Proposed] Order** by placing a copy thereof enclosed in sealed envelopes addressed as follows:

[See Attached Service List]

☒ BY U.S. MAIL - I deposited such envelope(s) in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid as follows: I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Los Angeles, California in the ordinary cause of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit

☐ BY FEDERAL EXPRESS - I deposited such envelope in the drop box at Los Angeles, California. I am readily familiar with this firm's practice of collection and processing correspondence for Federal Express. Under the practice it would be deposited in the Federal Express drop-box for pickup on the same day at Los Angeles, California in the ordinary cause of business.

☐ BY FACSIMILE - I caused such a document to be sent via facsimile to the appropriate facsimile number(s) for the addressee(s) below, at or about _____.m. from (310) 286-7086, and received confirmation that the fax transmission was successfully completed.

☐ BY PERSONAL SERVICE - I caused such an envelope to be hand delivered to the office of the addressee.

☐ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ [Federal] I declare that I am in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 30, 2009 at Los Angeles, California.


Zorina Shah-Sohl

SERVICE LIST

[Case No. C07-01804 (CW)]

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